

# **CITY AND COUNTY OF SAN FRANCISCO**

## **OFFICE OF SHORT-TERM RENTALS**

### **SHORT-TERM RENTAL GUIDELINES**

#### **[IMPLEMENTING SECTION 41A.5(g)(4)(C) OF SAN FRANCISCO’S ADMINISTRATIVE CODE]**

(A) These Guidelines are promulgated by the Office of Short-Term Rentals for the City and County of San Francisco (“OSTR”) pursuant to Administrative Code Section 41A.7(a) and Section 41A.5(g)(4)(C). OSTR may update these Guidelines from time to time. These Guidelines reflect OSTR’s interpretation and application of Section 41A.5(g)(4)(C) as it exists at the time these Guidelines are issued.

(B) These Guidelines explain how Hosting Platforms can satisfy their obligations under Administrative Code Section 41A.5(g)(4)(C) to exercise reasonable care to verify that Residential Units are lawfully registered on the Short-Term Residential Rental Registry at the time the Residential Unit is rented for short-term rental. This verification is required before Hosting Platforms may provide and collect a fee for Booking Services in connection with those Short-Term Residential Rentals.

(C) Definitions:

- 1) In these Guidelines, capitalized terms have the same meaning as in Chapter 41A, unless otherwise specified.
- 2) “Lawfully registered,” as that phrase is used in Section 41A.5(g)(4)(C), means that the host has a valid registration number from OSTR for the Residential Unit.
- 3) “The time the Residential Unit is rented for short-term rental,” as that phrase is used in Section 41A.5(g)(4)(C), means the time the Hosting Platform provides Booking Services.

(D) GENERAL VERIFICATION REQUIREMENT. A Hosting Platform satisfies its obligations under Section 41A.5(g)(4)(C) if, prior to providing, and collecting a fee for, Booking Services in connection with a particular Short-Term Residential Rental, the Hosting Platform verifies with OSTR that the Residential Unit that is the subject of the Booking Service is registered on the Short-Term Residential Rental Registry. Acceptable methods of verification are described below in subsection (F).

(E) VERIFICATION DURATION. Once a Hosting Platform confirms that a Residential Unit is lawfully registered with OSTR, that verification shall be sufficient to satisfy the Platform’s obligations under Section 41A.5(g)(4)(C) with respect to that Residential Unit until the earlier of: (i) the expiration date of that Residential Unit’s registration; (ii) the Hosting Platform’s receipt from OSTR of notice that OSTR has revoked that Residential Unit’s registration or that the registration is otherwise invalid, provided the Platform identifies an individual responsible for receiving such notice on behalf of the Platform (the “Platform Contact”). Contact information for the Platform Contact, plus an additional individual to serve as back-up Platform Contact, shall be sent to Kevin.Guy@sfgov.org. Each month, OSTR shall notify the Platform Contact of any Residential Units that OSTR has determined are ineligible for

registration (the “OSTR Notification”). This OSTR Notification spreadsheet shall include the following information:

- a) Listing ID number, if available;
- b) OSTR registration number or OSTR application pending status associated with the identified listing, if known;
- c) One of the following codes indicating the basis for the listing ineligibility:
  1. the listing lacks a valid registration number;
  2. the listing has an expired registration;
  3. the listing has had its registration application denied; or
  4. the listing has had its registration revoked.

A Platform is subject to liability with respect to Section 41A.5(g)(4)(C) if it provides Booking Services for a Residential Unit more than two business days after receiving an OSTR Notification indicating that the Residential Unit is ineligible for registration. The Platform may not provide Booking Services for that Unit until the Platform receives confirmation from OSTR that the host has cured the deficiencies in his or her registration and has a valid registration number. Hosting Platforms that fail to provide a Platform Contact to receive OSTR Notifications must verify a Residential Unit’s registration status before each Booking Service transaction. Platforms may contact [Kevin.Guy@sfgov.org](mailto:Kevin.Guy@sfgov.org) with any questions.

(F) **WAYS TO EXERCISE REASONABLE CARE TO VERIFY.** A Hosting Platform will be deemed to have exercised reasonable care under Section 41A.5(g)(4)(C) with respect to a particular Residential Unit if it uses at least one of the following methods to verify that Unit:

1) **METHOD 1: APPLICATION PROGRAM INTERFACE (API).** With the written agreement of both parties, a Hosting Platform may elect to query an API administered by OSTR to determine whether a particular Residential Unit is lawfully registered with OSTR. Hosting Platforms may provide Booking Services for a Residential Unit only if the API returns a result indicating the Unit is lawfully registered with OSTR. Platforms interested in utilizing the API should submit a request to OSTR and work directly with OSTR to establish access to the API. Contact [Kevin.Guy@sfgov.org](mailto:Kevin.Guy@sfgov.org).

2) **METHOD 2: OSTR REGISTRATION NUMBER FIELD & SPREADSHEET RECONCILIATION.** Hosting Platforms shall i) require hosts offering Residential Units for Short-Term Rentals to input their OSTR registration number (or application pending status) and, ii) at least monthly, the Hosting Platform shall send information about all San Francisco listings on the Hosting Platform to OSTR with sufficient information for OSTR to determine which Residential Units available for Short-Term Rental are lawfully registered. This Method 2 is accomplished through two components:

i. **COMPONENT 1: MANDATORY FIELD FOR OSTR REGISTRATION NUMBER.** The Hosting Platform shall require hosts of Residential Units available for Short-Term Rentals to provide their OSTR registration numbers in a mandatory field that is included in the hosts' posts (listings) that they publish on the Hosting Platform. The Hosting Platform must also obtain the expiration dates for all OSTR registration numbers that hosts post.

The Platform need not require that hosts publish the expiration date, but the Platform must maintain this expiration date data. The OSTR registration number provided by a host must be unique, meaning it is non-duplicative of other registration numbers provided by hosts to the Hosting Platform, and must be in the correct format (i.e., correct number of digits and within a valid numerical range, as indicated by OSTR). Hosting Platforms may allow hosts to indicate that their registration is pending with OSTR if the host has already submitted an application to OSTR and is awaiting a determination from OSTR. Hosting Platforms must also agree to display registration numbers inputted by hosts as part of the listing page, and keep the field associated with the registration number consistent over time so that OSTR may conduct web scrapes for use in its verification procedures. Hosting Platforms may provide Booking Services for a Residential Unit only if the host inputs a conforming OSTR registration number or indicates an application pending status.

ii. COMPONENT 2: MONTHLY SPREADSHEET. Additionally, on a monthly basis, at least, the Platform shall provide OSTR with a list of all San Francisco listings that appear on the Platform, which shall contain the following information for each listing (“Monthly Listing”):

1. listing ID number;

2. OSTR registration number, OSTR application pending status, or an indication that no OSTR number is required for the listing along with a reason why the property would not be subject to the provisions of Admin. Code Sec. 41A;
3. the expiration date for the OSTR registration; and
4. the street name and zip code for the Unit.

The Platform shall send this information to Kevin.Guy@sfgov.org, or such other City email address as the City may notify the Platform of in writing.

- 3) **METHOD 3: REGISTRATION CERTIFICATE UPLOAD.** The Hosting Platform may require the host to upload an image of the host's Short-Term Rental registration certificate awarded by OSTR, and then submit the image to OSTR for verification. The Hosting Platform should ask for and obtain the host's consent to share the certificate and the full residential address, including unit or apartment number, associated with the listing with OSTR. The uploaded image need not be publicly available on the Hosting Platform. The Hosting Platform satisfies its obligations under Section 41A.5(g)(4)(C) with respect to a particular Residential Unit when the Platform has submitted the image of the host's registration certificate and the full residential address of the listing to OSTR by emailing Kevin.Guy@sfgov.org. Under this Method 3, the Hosting Platform may provide Booking Services for the Residential Unit only if the host uploads an OSTR registration certificate, and the Hosting Platform sends the certificate and residential address for the listing to OSTR.

4) METHOD 4: OTHER. The Hosting Platform may use another method to verify a Residential Unit's registration status, so long as the method is reasonably calculated to identify accurate information that the Unit is lawfully registered with OSTR, and the Platform notifies OSTR of the method in advance by emailing Kevin.Guy@sfgov.org and receives approval from OSTR. The Hosting Platform shall retain adequate records to demonstrate how it verified the registration status of any Residential Unit that was the subject of Booking Services.

(G) NO PENALTIES FOR PENDING APPLICATIONS WITH OSTR. To encourage existing hosts to come into compliance with Chapter 41A, OSTR currently imposes no penalties on a Short-Term Rental host for rentals that occur while the host's application for registration with OSTR is pending. To the extent that OSTR allows hosts to engage in Short-Term Rentals while their applications for registration are pending, OSTR will continue to extend the same courtesy to Hosting Platforms.